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## *Labor and Employment Law*

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TO: Barbara A. Petrus, Esq. PHONE: (808) 547-5600  
Anne T. Horiuchi Bell, Esq. FAX: (808) 547-5880  
Goodsill Anderson Quinn & Stifel

**FROM:** Lynne T. T. Toyofuku, Esq.  Original will be mailed  
Nichole K. Shimamoto, Esq.  Original will not be sent

DATE: May 19, 2005

RE: Moffett vs. SMF, CV03-00130 MLR-BMK; Trial Date: September 26, 2005

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### **My correspondence of today's date**

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**MARR HIPP  
JONES & WANG**  
A LIMITED LIABILITY LAW PARTNERSHIP

*Labor and Employment Law*

May 19, 2005

Anne T. Horiuchi Bell, Esq.  
 Goodsill Anderson Quinn & Stifel  
 Alii Place, Suite 1800  
 1099 Alakea Street  
 Honolulu, Hawaii 96813

Via Fax to (808) 547-5880 & U.S. Mail

Re: **John A. Moffett v. SMF Systems Corporation, et al.**  
**Civil No. CV03-00130 MLR/BMK, Trial Date: September 26, 2005**

Dear Ms. Bell:

In light of Judge Real's comments during the May 17, 2005 status conference, we are requesting that Plaintiff revisit his Complaint and inform us as to his willingness to stipulate to the dismissal of certain claims and parties from this action. While Judge Real mentioned that certain claims are barred by the statute of limitations and that the IIED and NIED claims should be dismissed, Defendants also are confident that most if not all claims will be subject to summary adjudication in favor of Defendants. Accordingly, Defendants intend to file a Motion for Summary Judgment.

Prior to the filing of Defendants' Motion for Summary Judgment, Defendants are willing to agree to stipulate to the dismissal of claims for which Plaintiff is willing to dismiss with prejudice. We would appreciate a response at your earliest convenience.

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

Lynne T. T. Toyofuku  
 Nichole K. Shimamoto

LTTF:NKS:lfs

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